REMARKS

Filed herewith is a Supplemental Information Disclosure Statement that makes of record three references cited during the prosecution of a related Chinese patent application. Reference D1 (US 2002/0073225 A1) is already of record in the file of this patent application. References D2 and D3 are non-English language publication articles. Each of these references does include an English language Abstract, and the purported relevance of D2 and D3 is discussed in the attached English translation of the Office Action from the Chinese Patent Office. The Examiner is respectfully requested to consider these additional references and to also make them of record in this patent application.

In the most recent Office Action (a final rejection) the Examiner has rejected all of the pending claims in view of prior art. More specifically, the Examiner has rejected claims 54, 61-66 and 69-76 under 35 USC 102(e) as being anticipated by the newly cited Agnihotri et al. (US 2003/010150). The Examiner has also rejected claims 55-58 under 35 USC 103(a) as being anticipated by the newly cited Agnihotri et al. in view of the newly cited Wang et al. (US 2002/0198946). The Examiner has also rejected claim 59 under 35 USC 103(a) as being anticipated by the newly cited Agnihotri et al. in view of Tamura et al. (US 2002/0023092). These rejections are respectfully disagreed with, and are traversed below.

The claims have been amended above so as to clearly and unambiguously distinguish them from the newly cited Agnihotri et al.

It is noted that paragraph [0046] of Agnihotri et al. states in part:

> FIG. 4 is a block diagram illustrating in detail selected components of the information packaging subsystem 400 shown in FIG. 1, according to one embodiment of the present invention. This subsystem receives information collected and selected for delivery by the collection system 200. The information packaging subsystem 400 includes input buffer memory 850 for storing the received information. Processor 800 determines the end points of each

information package segment. (Note that this segment is not necessarily a delivery unit, and there is no requirement that it be completely transmitted to the user.) **The processor 800 also checks the current location files in database 700 to determine the subscriber's current location. Along with the current location, a processor reviews the selection of communications devices accessible by the subscriber at the current location, and chooses one or more of them as most suitable for delivery. This selection is made according to predetermined criteria also stored in database 700. The criteria may include, for example, the type and format of information being delivered and its relative importance. Subscriber delivery preferences may be included in the dynamic profile 710 and also taken into account. Once a device or devices are chosen, the information is packaged appropriately. Packaging simply refers to selecting which portions of the information to deliver and, if necessary, dividing it up into segments depending on the capacity of the recipient device and <u>transmission channel over which the information is to be delivered</u>.** Packaging may also include augmenting the information from one source with content obtained from another. The system may be set up to search for this additional content under certain circumstances. Not uncommon, for example, a multimedia segment will be reduced in size by stripping away the audio and video portions and transmitting only text, or a series of text messages. Properly packaged, the information is stored in memory 850 (or in database 700) until fed to the distribution subsystem 500 for actual delivery.

Clearly, the "transmission channel" over which the information is to be delivered is simply a function of the user communication device that is chosen to make the information delivery to. Examples of communication devices are found in paragraph [0031] of Agnihotri et al.:

The database 700 also includes a list 720 of available communication devices, cross-referenced to dynamic profile 710. The device list includes, for example, all applicable email addresses, mobile phone numbers, web-enabled telephones, radios, and wireline phones. The devices do not have to be conventional, of course, and may include marquee-display readouts or digital pagers, dedicated speakers and the like. A single device may serve more than one subscriber, of course, and is cross-referenced to each applicable profile 710. The communicator device list 720 will generally include many devices available on-site, so that a subscriber at home, for example, can be informed by the system regardless of their location within the house. Along with each device is listed an address or phone number for establishing contact, as well as the acceptable formats or protocols through which they will accept information feeds. It is through these devices that most of the information delivery will usually be accomplished.

9

Claim 54, as clarified by amendment above, recites in part:

> establishing a set of user content delivery preferences relating to user content to be delivered at a future time, wherein the set of user content delivery preferences comprises a delivery cost constraint indicative of a maximum cost that a user is willing to pay to have the user content delivered;

> receiving a request from a wireless terminal connected to the network, the request directed to the user content for which user content delivery preferences have been established;
> sourcing the user content in response to receiving the request;
> selecting, based on at least the delivery cost constraint, between at least two networks over which to deliver said user content from the agent to the terminal.

Support for this merely clarifying amendment is found throughout the specification, such as in paragraphs [0037], [0050], [0053], [0063] and [0065] of the corresponding published US patent application US 2006/0020547 A1. No new matter is added. The independent claims 72 and 76 have been amended in a similar fashion. In addition, some merely clarifying amendments have also been made to dependent claims 63, 64, 66, 69 and 73. With regard to claims 69 and 73, the "so that" clause has been removed. The claimed subject matter is clearly not an "intended use" as stated by the Examiner, and should thus be afforded patentable weight.

The independent claims 54, 72 and 76, as now even further clarified, are clearly not anticipated by the disclosure of Agnihotri et al., nor are these claims rendered obvious to one skilled in the art by the disclosure of Agnihotri et al. In that the independent claims 54, 72 and 76 are clearly allowable over Agnihotri et al., then all claims that depend from these independent claims are also allowable, whether considered only in view of Agnihotri et al., or also in view of Wang et al. or Tamura et al.

As a part of this amendment claims 77-80, dependent from claim 76, claims 81-83, dependent from claim 54, and claims 84-86, dependent from claim 72, are newly added.

Support for claim 77 is found in at least claim 69 and in paragraph [0061] of the corresponding

published US patent application US 2006/0020547 A1.

Claims 78, 81 and 84 recite that the set of user content delivery preferences "further comprises information indicative of a user content delivery latency, where the delivery latency is subject to the delivery cost constraint". Support for this claimed subject matter is found at least in paragraph [0053] of the corresponding published US patent application US 2006/0020547 A1.

Claim 79 recite that selecting "comprises an operation of requesting a delivery cost estimate for at least one of the wireless networks". Claims 82 and 85 are worded in a somewhat similar manner. Support for this claimed subject matter is found at least in paragraph [0055] of the corresponding published US patent application US 2006/0020547 A1.

Claim 80 recites that there is an operation "performed in response to being unable to select a wireless network that meets the delivery cost constraint, of notifying a user of the wireless terminal to enable the user to one of override the delivery cost constraint or maintain the delivery cost constraint." Claims 83 and 86 are worded in a somewhat similar manner. Support for this claimed subject matter is found at least in paragraph [0056] of the corresponding published US patent application US 2006/0020547 A1.

No new matter is added by the inclusion of these dependent claims, each of which should be found to recite subject matter not disclosed by the references cited and applied by the Examiner.

The Examiner is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 102(e) and 103(a) and to allow all of the pending claims as now presented for examination. An early notification of the allowability of all of the pending claims is earnestly solicited.

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_9/11/2009_   _Claire F. Main_

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12